

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RAYSEAN BARBER,

Plaintiff,

vs.

SCOTT FRAKES, TAGGART BOYD,  
EDWARD HILL, MIKI HOLLISTER,  
KRISTINA MILBURN, NATE SHWAB,  
DR. MARK LUKIN, DR. MEGAN  
FORD, BETTY GERGEN, JACQUE  
GOODING, AMY REZNEY, and  
ROBIN CHURCH,

Defendants.

**8:21CV157**

**MEMORANDUM AND ORDER**

This matter is before the court on its own motion. Plaintiff filed a Complaint (filing 1) on April 20, 2021, along with a payment of \$350.00. However, Plaintiff failed to include the entire \$402.00 filing and administrative fees. Plaintiff has not submitted a request to proceed in forma pauperis (“IFP”) and is therefore obligated to pay the \$52.00 administrative fee assessed to non-IFP plaintiffs. Thus, Plaintiff’s payment of \$350.00 is short by \$52.00 of the full \$402.00 owed to the court. Only if Plaintiff files a motion to proceed IFP, and the court grants the motion, would he be obligated to pay only the \$350.00 filing fee. *See* 28 U.S.C. § 1915(b)(1). Accordingly, the court will give Plaintiff 30 days to either file an IFP motion or pay the additional \$52.00 administrative fee. In the absence of either action, the court will dismiss this matter without prejudice and without further notice.

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to either submit the remaining \$52.00 administrative fee to the clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.

2. The clerk of the court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").

3. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: **May 21, 2021**: Check for MIFP or payment of \$52.00 administrative fee.

Dated this 21st day of April, 2021.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge